

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**ADMINISTRATIVE RULE  
FISCAL IMPACT STATEMENT**

**PROPOSED RULE:** LSA Document #01-289

**DATE PREPARED:** Oct 26, 2001

**STATE AGENCY:** Department of Environmental Management

**DATE RECEIVED:** Sep 21, 2001

**FISCAL ANALYST:** Bernadette Bartlett

**PHONE NUMBER:** 232-9586

**Digest of Proposed Rule:** This rule amends 329 IAC 3.1-1-7 to achieve consistency with federal hazardous waste management regulations by incorporating by reference changes to the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 270, published in the Federal Register from July 10, 2000, through May 16, 2001. The rule amends 329 IAC 3.1-7-2 to be consistent with IC 13-22-4-3.1 by removing a provision that requires generators to enter waste handling codes on the Uniform Hazardous Waste Manifest. It also amends 329 IAC 3.1-9-2 and 329 IAC 3.1-10-2 to be consistent with Public Law 143-2000 by removing provisions that require permitted treatment, storage, and disposal facilities to send copies of hazardous waste manifests to the Indiana Department of Environmental Management (IDEM). It also repeals 329 IAC 3.1-4-9.1 and 329 IAC 3.1-4-17.1.

**Governmental Entities:** State: The rule will not result in a fiscal impact to the state.

Local: The rule will not have a fiscal impact on local governments.

**Regulated Entities:** The rule could result in a potential annual savings of an estimated \$227,800 to \$509,200 to regulated entities that generate hazardous waste in Indiana and to facilities in Indiana that treat, store, or dispose of hazardous waste. The potential savings are listed below.

This rule adds gas turbines to the list of approved burners for comparable/syngas fuel burners. The U.S. Environmental Protection Agency (EPA) estimated annual national savings ranging from \$3M to \$13 M. If facilities in Indiana exist that could take advantage of the rule, the facilities could save an estimated 2% of the national savings, or \$60,000 to \$260,000 annually. By adding gas turbines, the rule expands the types of fuel that could be burned which could also relieve facilities of costs associated with disposing of the fuel through methods other than burning.

The rule increases flexibility for facilities that manage low-level mixed waste (radioactive hazardous waste). Seven generators reported low-level mixed waste in Indiana. EPA estimated a national savings of \$4.1M to \$5.9 M. If Indiana represents 2% of the national average, savings to facilities in Indiana would equal \$82,000 to \$118,000. Facilities could save permitting expenses associated with complying with two regulatory acts: the Atomic Energy Act and the Resource Conservation and Recovery Act (RCRA). Facilities would no longer be subject to RCRA..

With respect to the Hazardous Waste Identification Rule revisions, EPA estimates national savings at \$4.3 M to \$6.6 M, or \$85,800 to \$131,200 for Indiana. This provision expands disposal opportunities and eliminates

certain permitting requirements.

**Information Sources:** U.S. Environmental Protection Agency, and Steve Mojonnier, Office of Land Quality, IDEM, 317.233.1655.